IN THE HIGH COURT OF JUDICATURE AT BOMBAY

EXTRA ORDINARY ORIGINAL CIVIL JURISDICTION
AND
IN ITS GENERAL AND INHERENT JURISDICTION

MISC. PETITION NO.17 OF 2005

Smt.Minaj Yusuf Bhabha)..Petitioner

Mr.Arun Palekar i/b.S.Ashwinikumar & Co. for the Petitioner.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 21ST DECEMBER 2005

P.C.:

. By this Petition, the Petitioner seeks to be appointed as guardian of the person and property of Yusuf Ismail Bhabha, her husband.

2. Yusuf Ismail Bhabha is the landlord of a building in Surat and has invested in shares in various Companies. A schedule of the properties owned by Yusuf Ismail Bhabha is annexed to the Petition. The Petitioner married Yusuf on 7th June 1987. They have a minor son Azhar and a minor daughter Anbreen.

3. According to the Petitioner, on 16th August 2006, Yusuf suffered from accelerated hypertension and was admitted to hospital on the next day in a semi-comatose

condition. It was diagnosed that he was suffering from Hemiplegics on the right side. He suffered from weakness on the right side of his face and also suffered from an inability to speak i.e. aphasia.

4. According to the Petitioner, about Rs.3,00,000/- has been paid towards hospitalisation and treatment of Yusuf. It has become difficult for her to support him only on the salary she draws as a teacher with a school. The Petitioner, therefore, seeks to liquidate some of the investments in Yusuf's name in order to cope with the financial constraints brought about by Yusuf's illness. It is for this purpose that the Petitioner seeks to be appointed as a guardian of the person and property of Yusuf.

5. Although a certificate issued by the Nanavati Hospital was annexed to the Petition, the Petitioner was directed to have Yusuf examined by a Doctor from J.J. Hospital in order to certify whether Yusuf was capable of comprehending any language as well as gestures and whether he was able to communicate with others either orally or in writing. Accordingly, the Hon. Professor of the Department of Neurology of J.J. Hospital has submitted a certificate dated 14th December 2005 showing that Yusuf suffers from right sided hemiparesis with right upper facial palsy with global aphasia and is now

recovering. He is able to comprehend partially. There is a decreased speech output which is difficult to understand. He cannot write and has significant disability in reading.

6. In such circumstances, in my opinion, it would be necessary to grant the prayers in the Petition.

7. Petition allowed in terms of prayer clauses (a) and (b) of the Petition.